

Claims:

Claims 1-20 have been canceled without prejudice or disclaimer to expedite prosecution of the instant case.

Possible Interference

New claims 21-27, corresponding to claims 1 and 4-9 of the Freitag reference have been added. The Examiner has indicated that Applicants must "show how there is support in the Applicants' disclosure to meet the claim language".

New claim 21 corresponds to claim 1 of the Freitag reference, which is supported by the subject matter of Applicants' invention as depicted in Applicants' Figure 6, referred to in Applicants' specification as comprising strands of an alloy in the austenitic state 62 extending to the right and strands of an alloy in the martensitic state 64 extending to the left, the strands being braided or interwoven together. Figures 14-16 also support claim 1 of the '593 reference, as each strand of braided wire in Figures 14-16 comprises two groups of wires meshed together, one group having a different shape memory than the other.

New claims 22-23 correspond to claims 4-5 of the Freitag reference, which are supported by Applicants' figures 6 and 14-16. Regarding claim 22, hysteresis behavior is defined in 5,601,593 as: reversibly changing from the martensitic state to the higher temperature austenitic state at a defined first transition temperature, maintaining this state until its temperature is cooled below a second transition temperature at which the material reversibly changes back to the lower temperature martensitic state. This is supported by language throughout Applicants' disclosure. Regarding claim 5 of Freitag, page 7, line 4 of Applicants'

disclosure states that nitinol is the most preferred shape memory alloy.

New claims 24-26 correspond to Freitag claims 6-8, and are believed to be supported by page 1 of Applicants' disclosure, which states that Applicants' invention is concerned with the use of ordinary metals, shape memory alloys, various plastics, both biodegradable or not, and the like, in a new multiple component which allows for self expansion and subsequent deformation to a final enlarged diameter in the body.

New claim 27 corresponds to Freitag claim 9, which is supported by Applicants' disclosure of placement of the inventive stent into the human body and self expansion at about 37°C which constitutes "carrying out application of heat at least at portions of the stent".

Section 112 Issues

Claims 1-20 were rejected under 35 U.S.C. §121, ¶2 as being indefinite for failing to particularly point out and distinctly claims the subject matter which applicant regards as the invention.

The §112 rejection set forth at page 2 of the Official Action is moot as claims 1-20 have been canceled without prejudice or disclaimer.

Claims Rejections - 35 U.S.C. §102

Claim 1-2 and 8-10 are rejected under §102(e) as being anticipated by Andersen et al. (U.S. 5,366,504). The Examiner states:

"See Figures 7-7d wherein the first portion as claimed is met by the self-expanding ends (42,44) of Andersen and the second portion as claimed is met by the self-expanding graft portion (80) of Andersen."

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Applicants maintain that claims 1-2 and 8-10 are not anticipated by Andersen. Applicants have canceled these claims without prejudice or disclaimer to expedite prosecution of the instant case.

CONCLUSION

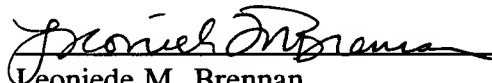
In view of the foregoing amendments, claims 21-27 remain and are believed to be patentable as to Applicants. Early notice to that effect is urgently solicited.

Respectfully submitted,

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